

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

FRIENDS OF GEORGE'S,

Plaintiff

v.

Civil Action No.
2:23-cv-02163-TLP-tmp

STATE OF TENNESSEE, GOVERNOR BILL LEE,
in his official and individual capacity as Governor of
Tennessee, and **JONATHAN SKRMETTI**, in his
official and individual capacity as the Attorney
General of Tennessee,

Defendants.

FRIENDS OF GEORGE'S,

Plaintiff,

v.

Civil Action No.
2:23-cv-02176-TLP-tmp

STEVEN J. MULROY, in his
official and individual capacity as
the District Attorney General of
Shelby County, Tennessee

Defendant.

DEFENDANT DISTRICT ATTORNEY STEVEN J. MULROY'S BRIEF

The Defendant District Attorney Steven J. Mulroy ("DA Mulroy"), in his individual capacity only, submits the following Brief in anticipation of the Court's scheduled hearing on May 22, 2023.

Defendant DA Mulroy does not, in his individual capacity, take a position on the ultimate question of whether the statute at Tenn. Code Ann. § 7-51-1407 can survive constitutional scrutiny. However, because there are significant issues of vagueness and overbreadth related to the statute, as ably expressed in the Court's reasoning in its recent Temporary Restraining Order (Dkt. No. 26, 2:23-cv-02163; Dkt. No. 14, 2:23-cv-02176), Defendant DA Mulroy asserts that conversion of the Temporary Restraining Order into a Preliminary Injunction is advisable for the duration of the Court's consideration of the issues before it. Any enforcement of this law which might take place should await final clarification from this Court on whether the statute is invalid, or whether some narrowing construction is appropriate.

Respectfully submitted,

/s/ Jessica L. Indingaro

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*Attorney for Defendant DA Mulroy in his
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served upon all parties of record via CM/ECF on the 28th day of April, 2023.

/s/ Jessica L. Indingaro